

Contents

<i>Preface</i>	vii
<i>Glossary</i>	xii
<i>Figures</i>	xiv
1 INTRODUCTION	1
What Law is Not	1
What Law Does	3
Law and Morality	4
Law and Justice	5
The Legitimacy of Law	8
The Transfer of Sovereignty in 1997	9
2 THE LEGAL SYSTEM: AN OVERVIEW	12
A Legal System	12
Rules and Principles and Other Precepts	12
Processes	13
Institutions	13
Personnel	15
Ideology	15
Classifications of Law	18
Sources of Law	19
3 THE CONSTITUTION	20
Types of Constitution	20
Hong Kong's Written, Concrete Constitution	21
Hong Kong's Abstract (Broad) Constitution	21
The Ideology of the Constitution	23
Simple Characteristics of the Constitution	24
4 THE GOVERNMENT	26
Gubernatorial Government	27
The Executive Council	30
The Public Service	31
The Legislative Council	32
Municipal and Rural Government	33
Law-enforcement Agencies	35

5	IMPORTED LAW	37
	Common Law and Equity	37
	The Reception of English Law	38
	English Common Law and Equity	40
	Applicability and Modification of Common Law	42
	British Legislation	44
	National Laws	46
6	LAW MADE IN HONG KONG	47
	Primary Legislation	47
	Subsidiary Legislation	49
	Common Law and Equity	50
	Chinese Customary Law	50
7	LITERARY SOURCES OF LAW	54
	Sources	54
	The Statute Book	55
	Law Reporting	59
	Secondary Materials	63
8	THE COURTS	65
	Terminology	65
	Magistracies	67
	The Coroner	68
	The District Court	68
	The Court of First Instance	69
	The Court of Appeal	70
	The Court of Final Appeal	70
	The Small Claims Tribunal	71
	The Labour Tribunal	72
	The Lands Tribunal	72
	Other Tribunals	73
	Appeals	75
9	THE OPERATION OF DECISIONAL LAW	76
	Declaring Law or Making It?	76
	<i>Ratio Decidendi</i> and <i>Obiter Dictum</i>	79
	The Doctrine of Precedent	83
10	STATUTES: CREATION AND INTERPRETATION	87
	The Process of Legislation	87
	Delegated Legislation	90

	Statutory Interpretation: General	91
	Statutory Rules	91
	Common Law Approaches	92
	Presumptions	94
	Other Principles	96
11	LEGAL PERSONNEL	97
	The Chief Executive	97
	Legislators	98
	Legal Officers	99
	Lawyers	100
	Judges and Magistrates	105
	Justices of the Peace	110
	Academics	111
12	OTHER ASPECTS OF THE LEGAL SYSTEM	112
	Juries	112
	Legal Aid, Advice, and Assistance	113
	The Bill of Rights	115
	Law Reform	116
	The Language of the Law	117
	The Ombudsman	118
	The Delivery of Legal Services	119
	<i>Notes</i>	123
	<i>Index</i>	130